

ORDINANCE NO. 4

Series, 1955

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF ELGIN TO ESTABLISH, OPERATE AND MAINTAIN, WITHIN AND WITHOUT THE CITY LIMITS OF THE CITY OF ELGIN, OREGON, A SEWAGE DISPOSAL PLANT OR PLANTS, SEWERS, EQUIPMENT AND APPURTENANCES NECESSARY, USEFUL OR CONVENIENT FOR A COMPLETE SEWER AND DISPOSAL SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES UPON WATER USERS FROM THE WATER SYSTEM OF THE CITY OF ELGIN OREGON; PROVIDING FOR THE MANNER OF COLLECTION OF SUCH CHARGES; PROVIDING FOR THE ESTABLISHMENT OF A SINKING FUND FOR SAID PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Elgin, Oregon, does not have a sewer system and/or a sewer disposal plant, and

WHEREAS, many of the methods and systems used by the citizens of the City of Elgin, Oregon, for the disposal of sewage are inadequate, and as a result the affluent therefrom flows upon the surface of the streets within said city thereby jeopardizing the health and welfare of said citizens, and

WHEREAS, a stub sewer line connecting several private residences and public establishments drains raw sewage into the Grande Ronde River, which river forms the easterly boundary line for the city limits of said city, thereby polluting said river,

NOW, THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1. Pursuant to the General Laws of the State of Oregon and the Charter of the City of Elgin, the Council of said city does hereby declare its intention to acquire, own, construct, equip, operate and maintain within and without the city limits of Elgin, sewage disposal plant or plants, sewers, equipment and appurtenances necessary, useful or convenient for a complete sewer and disposal system.

Section 2. There is hereby levied and imposed upon all water users from the City of Elgin, Oregon, using water from the City of Elgin water system, just and equitable charges for service or subsequent service, maintenance, operation and extention, to establish a fund for the foregoing purposes.

Section 3. The just and equitable charges aforesaid are hereby established, determined and declared to be as follows:

(a). The sum of fifty cents (50¢) per month for each water connection shall be paid by all water users from the City of Elgin, Oregon, irrespective of whether said users be within or without the city limits of the City of Elgin, Oregon.

Section 4. The City Recorder of the City of Elgin, Oregon, is hereby directed and required to collect said charges from all users of water as aforesaid. The imposition of said charges shall begin with the month of July, 1955, and continuing each and every succeeding month thereafter.

Section 5. There is hereby created a sinking fund, to be known as "SEWER SINKING FUND," into which all of said charges so collected shall be deposited and kept as a fund to be used only for the purposes aforesaid.

Section 6. Every person subject to a charge herein shall pay the same to the City Recorder of the City of Elgin, Oregon, at the same time as said person pays his water bill for the preceding month, said charges to become due the first day of each month subsequent to the imposition of said charges as above described.

Section 7. Any charge due herein and shall not be paid when due may be regulated in an actionate law by the City of Elgin or the city may at it option certify to the tax assessor of Union County, Oregon, to be by him assessed against the premises of the water user, the amount of unpaid service charges as herein provided, which shall thereupon be collected by the Tax Collection officers of said county and paid over to the City in the same manner as other taxes are certified, assessed, collected, and paid over, in addition to any other remedies or penalties provided by this or any other ordinance of the City of Elgin. Failure of any user of water within or without the City of Elgin to pay said charges promptly when due shall subject such user to discontinuance of water service and the City Recorder of said city is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of said city shall at all reasonable times have access to any premises served by said city for inspection, repair or enforcement of the provisions of this ordinance.

Section 8. It is hereby declared to be the intent of the Council that each of the separate provisions hereof shall be deemed independent to the end that if any provision hereof shall be declared invalid by any court of competent jurisdiction all of the other provisions hereof shall remain in full force and effect, and that if any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance, and it is hereby expressly declared that every other section, subdivision, paragraph, provision, or clause of this ordinance would have been enacted irrespective of the enactment or validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

Section 9. In as much as the sewage system and disposal plant must of necessity be constructed at the nearest practical date, and the program of the State of Oregon for purification of streams be aided in all manners possible and in as much as it is essential for the health, peace and safety of the people of the City of Elgin, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by a unanimous vote of the members of the Council present at the time of its passage and approval of the Mayor of said city.

PASSED this 26th day of July, 1955, by 7 Councilmen voting therefor.

APPROVED this 26th day of July, 1955.

Attested and filed this 26th day of July, 1955.

Rex C. Roullet
MAYOR

AP Miller
CITY RECORDER